

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.: 2:24-cv-05740-AB-RAO

Date: September 16, 2024

Title: *Cole Killoran et. al. v. Hyundai Motor America, Inc. et. al.*

Present: The Honorable **ANDRÉ BIROTTE JR., United States District Judge**

Daniel Tamayo

N/A

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Appearing

None Appearing

**Proceedings: [In Chambers] ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR LACK OF
PROSECUTION**

The Court set a Scheduling Conference for September 20, 2024. *See* Order (Dkt. No. 11). The Order requires the parties to file a Joint Rule 26(f) Report by 14 days before the scheduling conference. *See* Order § I. As of the date of this order, no report has been filed, nor have the parties filed anything indicating why no report has been filed. The Scheduling Conference is therefore **VACATED**.

Although all parties—and the Court—are responsible for the timely progress of a case, a plaintiff, as the party who filed an action, bears the primary responsibility for ensuring compliance with deadlines that apply to them. The Court therefore **ORDERS** Plaintiff to show cause why this case should not be dismissed for lack of prosecution given the parties' failure to file a Joint Rule 26(f) Report. An appropriate response may be a Notice of Settlement, or a declaration explaining why the Joint Rule 26(f) Report was not filed along with a Stipulation of the parties and a Proposed Order to reset the Scheduling Conference. The Court

informs the parties that it usually enters scheduling orders based on the Joint Rule 26(f) Report without conducting a conference with counsel.

Plaintiff's Response must be filed by October 4, 2024. If no response is filed by that date, the case will be dismissed without further notice.

IT IS SO ORDERED.